

EXHIBIT A

CAUSE NO. _____

SUZIE CHANG, MD,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
Vs.	§	_____ JUDICIAL DISTRICT
	§	
YRC INC DBA YRC FREIGHT &	§	
BERTIS MOBLEY JR,	§	
Defendants.	§	HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

COMES NOW, SUZIE CHANG, MD, hereinafter "Plaintiff", and files Plaintiff's Original Petition, complaining of YRC INC DBA YRC FREIGHT & BERTIS MOBLEY JR, hereinafter collectively "Defendants", and for cause of action against said Defendants would respectfully show the Court and Jury as follows:

I.

Discovery is governed by TRCP 190.3.

II.

Plaintiff is an individual who resides in Harris County, Texas.

Defendant, BERTIS MOBLEY JR, hereinafter "Defendant MOBLEY", may be served at his home address, 12840 S KIRKWOOD RD APT 524, STAFFORD, TX 77477-3833 FORT BEND COUNTY.

Defendant, YRC INC DBA YRC FREIGHT, hereinafter "Defendant YRC FREIGHT", may be served by Certified Mail, Return Receipt Requested, through its registered agent, C T CORPORATION SYSTEM at 1999 BRYAN ST., STE. 900 DALLAS, TX 75201.

III.

The Court has jurisdiction over Defendant MOBLEY since he committed a tort in the State of Texas. The Court has jurisdiction over Defendant YRC FREIGHT because it is a business operating in the State of Texas. The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of the court.

IV.

Venue is proper in Harris County, Texas. Specifically, venue is permissive in this county because under Section 15.002(a)(1) of the Civil Practice and Remedies Code the automobile collision giving rise to this cause of action occurred in Harris County, Texas.

V.

This lawsuit results from a collision that occurred on September 6, 2022 in the 19100 block of I-10 (eastbound HOV lane) in Houston, Harris County, Texas. Defendants were operating a tractor trailer and rearended Plaintiff's vehicle as she was stopped due to traffic. The force of the impact then pushed Plaintiff's vehicle into the vehicle in front of her which was also stopped due to traffic. As a result of the collision, Plaintiff suffered severe bodily injuries.

VI.

At the time of the collision, Defendant MOBLEY was operating Defendants' vehicle negligently. Specifically, Defendant MOBLEY had a duty to exercise ordinary care and operate Defendants' vehicle reasonably and prudently. Defendant MOBLEY breached that duty in one or more of the following ways:

1. Failing to maintain a safe distance behind Plaintiff's vehicle;
2. Driving inattentively;
3. Failing to maintain a proper lookout;
4. Failing to control speed;

5. Failing to timely apply the brakes; and/ or
6. Driving while distracted by the use of a cell phone.

Defendant YRC FREIGHT had a duty to exercise ordinary care in maintaining its vehicle in a safe operating condition; training Defendant MOBLEY to safely operate its vehicle; supervising MOBLEY's operation of its vehicle; in entrusting its vehicle to Defendant MOBLEY; and in hiring and retaining Defendant MOBLEY. Defendant YRC FREIGHT breached those duties and was negligent in doing so.

VII.

At all times material to this lawsuit, Defendant MOBLEY was acting as an agent and/or employee of Defendant YRC FREIGHT and/or was under its direction and control and/or right of direction or control. Since Defendant MOBLEY was acting as an agent and/or employee of Defendant YRC FREIGHT at the time of the collision, Defendant YRC FREIGHT is vicariously liable for the negligent acts of Defendant MOBLEY.

Defendant YRC FREIGHT is vicariously responsible for the negligent acts of Defendant MOBLEY, under the legal theory of *respondeat superior*.

VIII.

Defendants' negligence proximately caused Plaintiff's injuries. As a result of Plaintiff's injuries, she suffered the following damages:

1. Medical bills in the past and future;
2. Physical pain in the past and future;
3. Physical impairment in the past and future;
4. Mental anguish in the past and future; and
5. Loss of earning capacity in the past and future.

IX.

Please take notice that pursuant to T.R.C.P. 193.7, Plaintiff intends to use the documents produced by Defendants in response to written discovery at the time of trial and in any pretrial matters during the course of litigation.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon final hearing, Plaintiff have and recover, of and from Defendants, verdict in an amount more than \$1,000,000, plus prejudgment and postjudgment interest, costs of court and all such further relief to which Plaintiff may be justly entitled, at law or in equity.

Respectfully submitted,

STEPHEN BOUTROS, LTD.

/s/ Stephen Boutros

STEPHEN BOUTROS

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ATTORNEYS FOR PLAINTIFF

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JULIE DELUNA on behalf of Stephen Boutros
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 Envelope ID: 79324377
 Filing Code Description: Petition
 Filing Description: Plaintiff's Original Petition
 Status as of 9/7/2023 4:44 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
STEPHEN BOUTROS		stephen@boutroslaw.com	9/7/2023 4:24:30 PM	SENT
Julie DeLuna		Julie@boutroslaw.com	9/7/2023 4:24:30 PM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 18, 2023

Certified Document Number: 110146146 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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